

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

MILTON H. POPICK

Plaintiff

vs.

**CASE NUMBER: 1:09-CV-386
(GTS/VEB)**

COMMISSIONER OF SOCIAL SECURITY

Defendant

Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of Magistrate Judge Victor E. Bianchini is ACCEPTED and ADOPTED in its entirety. The Commissioner's motion for judgment on the pleadings is DENIED, the Plaintiff's motion for judgment on the pleadings is GRANTED and this action is REMANDED to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

All of the above pursuant to the Memorandum-Decision and Order of the Honorable United States District Judge Glenn T. Suddaby, dated the 28th day of March, 2012.

DATED :March 28, 2012


Clerk of Court

s/ Melissa Ennis

Melissa Ennis
Deputy Clerk